



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/530,409

08/02/2005

Anders Mollstam

3682-51

4980

23117

7590

04/03/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

SAVUSDIPHOL, PAULTEP

ART UNIT

PAPER NUMBER

2876

MAIL DATE

DELIVERY MODE

04/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,409	Applicant(s) MOLLSTAM, ANDERS	
	Examiner Paultep Savusdiphol	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt is acknowledged of the amendment, filed on 12/18/2008, which has been entered in the file. Claim 8 has been newly added. Claims 1-8 are pending.

Claim Objections

Acknowledgment is made to the amendments of claims 1, 2 & 7 in accordance with the claim objections presented in the Office Action filed 8/19/2008. These objections have been overcome by the amendment and the objection has therefore been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sasse et al. (US 2001/0020148 A1)**.

Regarding **claim 1**, **Sasse** discloses a medical-technical identification device for identifying a sterile product [0003] that is intended for a one-time-use only, when connected to a piece of medical equipment **2**, and that includes a fixedly mounted information carrier **40, 41, 42** which is adapted to deliver or to offer specific product information in a contactless fashion to a reading element **43, 44, 45** that is connected to

Art Unit: 2876

the piece of medical equipment , and to a registering unit which, in turn, is connected to both a storage unit and an analysing unit, characterised in that the information carrier is mounted in a fixed relation to a first slide surface of the sterile product, which first slide surface co-acts directly with a second slide surface of a seat fixedly mounted on the piece of medical equipment and including the reading element, the second slide surface corresponding to the first slide surface so as to bring the information carrier and the reading element into alignment with one another [0029 & Figs. 1 & 2], the sterile product is either a sterile elastic hose part [0003], a sterile saw blade, a sterile drill bit, or a sterile shaver blade, the analysing unit functions to deliver signals to an equipment-actuating control unit, the device includes a presentation unit which functions to present information from both the analysing unit and the storage unit and a programming unit is connected to the analyzing unit or the storage unit [0004, 0013, 0029-0031].

Regarding **claim 2**, **Sasse** discloses an identification device according to claim 1, characterised in that the information carrier **40, 41 42** (Fig. 1) is mounted in or on one side of a holder and in that the reading element **43, 44, 45** (Fig. 1) is mounted in or on one side of the fixation seat, wherein the exchange of information between the information carrier and the reading element does not take place until the holder is in place in the seat until connection of the hose part to the equipment has been completed [0029-0031].

Regarding **claim 3**, **Sasse** discloses an identification device according to claim 2, characterised in that the information carrier and the reading element are adapted to take

Art Unit: 2876

fixed positions relative to one another when the hose part is connected actively to said equipment [0029-0031].

Regarding **claim 4**, **Sasse** discloses an identification device according to claim 3, characterised in that the holder of the information carrier includes a planar slide surface which is angled such that the normal to said surface will not extend parallel with the symmetry axis of said hose part and in that said slide surface conforms to or fits with a correspondingly directed slide surface in the seat [0029-0031 & Fig. 1].

Regarding **claim 5**, **Sasse** discloses an identification device according to claim 4, characterised in that both slide surfaces are directed so that an applied force intended to press the surfaces together will cause the information carrier and the reading element to be aligned mutually in the direction of an X-axis and Y-axis [0023-0024 & 0029-0031 & Figs. 1 & 2].

Regarding **claim 6**, **Sasse** discloses an identification device according to claim 5, characterised in that both slide surfaces are directed so that the information carrier and the reading element will also be mutually aligned in the direction of an Z-axis [0023-0024 & 0029-0031 & Figs. 1 & 2].

Regarding **claim 7**, **Sasse** discloses an identification device according to claim 1, characterised in that the transmission of information between the information carrier and the reading element is caused to take place with the aid of one or more of the following devices: bar codes, Blue Tooth, radio waves, light waves [0029].

Regarding **claim 8**, **Sasse** discloses a device for identifying a sterile product [0003] that is intended for a one-time-use only, when the sterile product is connected to a piece of medical equipment **2**, the device comprising:

a reading element **43, 44, 45** for receiving or reading product information for products connected to the piece of medical equipment,

an information carrier **40, 41, 42** mounted in a fixed relation to a first slide surface of the sterile product and adapted to deliver, or to offer specific product information in a contactless fashion to the reading element [0029 & Figs. 1 & 2], and

a seat fixedly mounted on the piece of medical equipment, the seat including the reading element and a second slide surface with which first slide surface co-acts directly when the sterile product is connected to the piece of medical equipment, the second slide surface corresponding to the first slide surface so as to bring the information carrier and the reading element into alignment with one another [0029-0031 & Figs. 1 & 2].

Although **Sasse** is vague with regards to the details of the installation of the hose cassette to the pump housing, it would have been obvious to one of ordinary skill in the art that the two surfaces containing the reading element and information carrier would be slide together when mounted therefore satisfying the "slide surfaces" of the newly amended claims. Moreover, **Sasse** clearly teaches in paragraph [0027] that the "*first positive-drive elements 7 are positioned on holding pins 23 and are slid on*" (emphasis added). One skilled the art would appreciate from Figures 1 and 2, that the sliding on of

this portion of the cassette brings the information carrier (**42** - *transponder*) into alignment with the reading element (**45** – *transceiver*) as required in claims 1 & 8.

Response to Arguments

Applicant's arguments filed 12/18/2008 have been fully considered but they are not persuasive. Applicant argues, see pages 7 & 8 of the Arguments/Remarks, that “Sasse’s arrangement requires two mounting steps before the medical equipment can be activated for use”. The examiner respectfully disagrees. The examiner has failed to find where it is recited in the claims that “*only a single mounting step*” is required. The claims merely recite a sterile product containing an information carrier that can be read when connected to a piece of medical equipment which has clearly been taught by Sasse. The claims are rejected accordingly.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2876

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paultep Savusdiphol whose email address is paultep.savusdiphol@uspto.gov.

If attempts to reach the examiner by email are unsuccessful, the examiner's telephone number is (571) 270-1301. The examiner can normally be reached between the hours of 8am and 4:30pm (EST), Monday thru Friday.

If ALL attempts to reach the examiner are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/530,409
Art Unit: 2876

Page 8

/PS/
/Paultep Savusdiphol/
Patent Examiner
AU 2876

/Michael G Lee/
Supervisory Patent Examiner, Art Unit 2876